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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/896,576 | 06/29/2001 | Jean-Marc Villaret | 10013448-1 | 7792 |

7590 08/10/2005

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Fort Collins, CO 80527-2400

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| EXAMINER |
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GRAHAM, CLEMENT B

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| ART UNIT | PAPER NUMBER |
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3628

DATE MAILED: 08/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/896,576

Applicant(s)

VILLARET ET AL.

Examiner

Clement B. Graham

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 June 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 101

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-17, are rejected under 35 U.S.C. 102(e) as being anticipated by Tsiounis et al (Hereinafter Tsiounis U.S Pub: 20010039535).

As per claim 1, Tsiounis discloses a payment processing system comprising: a plurality of data communications devices adapted to transmit a plurality of payment requests in connection with purchases(see paragraph 0007, 0008, 0023-0069) the data communications devices configured to transmit the payment requests via respective communication channels.(see paragraph 0007, 0008, 0023-0069) wherein each payment request includes a merchant identification code and a set of customer financial account data .(see paragraph 0007, 0008, 0023-0069) and a payment server arrangement adapted to receive the payment requests from the data communications devices at the respective channels via a plurality of adapter modules corresponding to each of the communication channels.(Note abstract and see paragraph 0007, 0008, 0023-0069). each of the adapter modules having a payment processing application configured to identify a financial institution identification code associated with the merchant identification code and interface with a data processing system of the financial institution consistent with a communications protocol associated with the identified financial institution.(Note abstract and see paragraph 0007, 0008, 0023-0069).

As per claim 2, Tsiounis discloses wherein at least one of the adapter modules is configured to communicate data with a mobile communications device consistent with an SSL/SET communications protocol thereby ensuring a high level of security in

communicating the customer financial account data.(see paragraph 0007, 0008, 0023-0069).

As per claim 3, Tsiounis discloses further comprising a customer financial server responsive to the mobile communications device and communicatively coupled to the payment server, the customer-controlled server configured to transmit the set of customer financial account data at the high level of security sought by the financial institution. (see paragraph 0007, 0008, 0023-0069).

As per claim 4, Tsiounis discloses wherein at least one of the adapter modules is configured to communicate data with an POS terminal consistent with a POS communications protocol thereby ensuring a high level of securing in communicating the customer financial account data.(see paragraph 0007, 0008, 0023-0069).

As per claim 5, Tsiounis discloses wherein at least one of the adapter modules is configured to communicate data with a set top box arrangement consistent with a cable network communications protocol thereby ensuring a high level of securing in communicating the customer financial account data. (see paragraph 0007, 0008, 0023-0069).

As per claim 6, Tsiounis discloses wherein at least one of the adapter modules is configured to communicate data with a set top box arrangement consistent with a satellite network communications protocol thereby ensuring a high level of securing in communicating the customer financial account data. (see paragraph 0007, 0008, 0023-0069).

As per claim 7, Tsiounis discloses wherein the payment server arrangement further comprises a merchant bank identification code database that facilitates identifying the financial institution associated with the merchant identification code. (see paragraph 0007, 0008, 0023-0069).

As per claim 8, Tsiounis discloses further comprising a merchant transactions database that includes historical information of payments processed by the payment server arrangement, wherein the historical information is configurable for demographic research. see paragraph 0007, 0008, 0023-0069).

As per claim 9, Tsiounis discloses wherein the at least one of the adapter modules configured to communicate with a mobile communications device is also configured to communicate data with a vending machine and a kiosk, thereby reducing the number of adapter modules dedicated to the data communications devices. see paragraph 0007, 0008, 0023-0069).

As per claim 10, Tsiounis discloses a payment request processing arrangement configured and arranged for communication with a plurality of data communication devices via respective communications channels and communication with a plurality of data processing systems located at a plurality of financial institutions the arrangement comprising:

a payment server configured and arranged to be responsive to the plurality of data communications devices (see paragraph 0007, 0008, 0023-0069) the payment server configured to receive a payment processing request via a first channel at a first adapter module corresponding to a first data communications device (see paragraph 0007, 0008, 0023-0069) wherein each payment request includes a merchant identification code and a set of customer financial account data see paragraph (see paragraph 0007, 0008, 0023-0069) the first adapter module having a first payment processing application configured to identify a financial institution identification code associated with the merchant identification code and interface with a data processing system of the financial institution consistent with a communications protocol associated with the identified financial institution. (see paragraph 0007, 0008, 0023-0069).

As per claim 11, Tsiounis discloses wherein the payment server arrangement further comprises a merchant/bank identification code database that facilitates identifying the financial institution associated with the merchant identification code. (see paragraph 0007, 0008, 0023-0069).

As per claim 12, Tsiounis discloses further comprising a merchant transactions database that includes historical information of payments processed by the payment server arrangement, wherein the historical information is configurable for demographic research. . (see paragraph 0007, 0008, 0023-0069).

As per claim 13, Tsiounis discloses wherein at least one of the adapter modules is configured to communicate data with a set top box arrangement consistent with a cable network communications protocol thereby ensuring a high level of securing in communicating the customer financial account data. . (see paragraph 0007, 0008, 0023-0069).

As per claim 14, Tsiounis discloses a system for processing payment requests from a plurality of data communications devices, each payment request including a merchant identification code and a set of customer financial data, the system comprising:
a plurality of adapter modules, each adapter module configured to interface with one or more of the communications devices via a selected communications channel; means for receiving payment requests from the data communications devices at the adapter modules via the communications channels. (see paragraph 0007, 0008, 0023-0069)
means for identifying the financial institutions associated with the merchant identification codes, each financial institution having an associated data processing system for processing payment requests. (see paragraph 0007, 0008, 0023-0069).
and means for interfacing with the data processing systems of the financial institutions consistent with payment protocols associated with the financial institutions. (Note abstract and see paragraph 0007, 0008, 0023-0069).

As per claim 15, Tsiounis discloses a computer-implemented method for processing payment requests from a plurality of data communications devices, each payment request including a merchant identification code and a set of customer financial data, the method comprising: providing a plurality of adapter modules (see paragraph 0007, 0008, 0023-0069) each adapter module configured to interface with one or more of the communications devices via a selected communications channel (see paragraph 0007, 0008, 0023-0069) receiving payment requests from the data communications devices at the adapter modules via the communications channels identifying the financial institutions associated with the merchant identification codes (see paragraph 0007, 0008, 0023-0069) each financial institution having an associated data processing system for processing payment requests; an interfacing with the data processing systems of the

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financial institutions consistent with payment protocols associated with the identified financial institutions. (Note abstract and see paragraph 0007, 0008, 0023-0069).

As per claim 16, Tsiounis discloses after the interfacing step, further comprising: processing payment at the identified financial institutions; and storing the processed payment as data in a merchant transactions database. (Note abstract and see paragraph 0007, 0008, 0023-0069).

As per claim 17, Tsiounis discloses wherein the step of identifying the financial institutions includes providing a merchant/bank identification database that includes historical information of processed payments, wherein the historical information is configurable for demographic research. (Note abstract and see paragraph 0007, 0008, 0023-0069).

Conclusion

3. The prior art of record and not relied upon is considered pertinent to Applicants disclosure.

Kolling et al (US Patent 5920847) teaches electronic bill pay system.

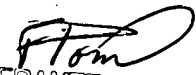
Silverman (US 6,252,869 Patent) teaches data network security system and method.

Lawlor (US Patent 5,220,501) teaches method and system for remote delivery of retail banking services.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Clement B Graham whose telephone number is 703-305-1874. The examiner can normally be reached on 7am to 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hyung S. Sough can be reached on 703-308-0505. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-0040 for regular communications and 703-305-0040 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.


FRANTZY PORVIAL
PRIMARY EXAMINER
AU 3628